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10/074,743	02/12/2002	Scott Brenner	ATTB 0107 PUS	1522
22045 7590 06/24/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/074,743

**Applicant(s)**

BRENNER ET AL.

**Examiner**

ANNAN Q. SHANG

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the newly presented claims 49-71 have been considered but are moot in view of the new ground(s) of rejection discussed below.

Applicant presents new claims and argues that the prior art of record **Yeo et al (6,219,837)**, do not teach the claim limitations (see page 6+ of Applicant's Remarks). In response, Examiner notes Applicant's arguments, however, the Examiner disagrees. Yeo discloses that upon selecting a channel a user is first presented with snap-shots, images or frames (menu) of past or future content and upon request (interaction with the snap-shots) a short video clip or segment including accompanying audio of the past video program (summary or synopsis), that was transmitted within a predefined time period prior to selecting the program, is played and once the past video segment is viewed, the video program is rejoined in progress. In the alternative if Applicant disagrees, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user with a menu instead of snap-shot or candidate frames to enable a user to interact to play a short video clip or segment (summary) of past video program. Hence, the newly presented claims do not overcome the prior art of record as discussed below. The amendment to the claims necessitated the new ground(s) of rejection. **This office action is made Final.**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 49-71 rejected under **35 U.S.C. 102(e)** as anticipated by **Yeo et al (6,219,837)** or, in the alternative, **under 35 U.S.C. 103(a)** as obvious over **Yeo et al (6,219,837)**.

As to claim 49, note the **Yeo** reference figures 1-4, discloses summary frames in video and further discloses in a system for broadcasting video programs to a user including a display, a method of providing a synopsis for a program, the method comprising:

Selecting a channel during transmission of a program; upon request, providing a synopsis of the program from a beginning of the program transmission until the channel was selected, where the synopsis is provided via a second channel, presented in a fast forward mode, where the program is a sporting event and includes highlights from a number of predefined highlights (figs.1-4, col.1, line 47-col.2, line 27, col.3, line 23-col.4, line 4, line 28-col.5, line 5 and col.7, lines 19-43), note that upon selecting a channel a user is first presented with snap-shots or images (menu) of past or future content and

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upon request (interaction with the snap-shots) as short video clip or segment including accompanying audio of the past video program, that was transmitted within a predefined time period prior to selecting the program, is played and once the past video segment is viewed, the video program is rejoined in progress.

In the alternative if Applicant disagrees, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user with a menu instead of snap-shot or candidate frames to enable a user to interact to play a short video clip or segment (summary) of past video program.

As to claim 50, Yeo further discloses where the synopsis is provided via a second channel (col.4, lines 28-44).

As to claim 51, Yeo further discloses where the synopsis is presented in a fast forward mode (col.3, line 27-col.4, line 4).

As to claim 52, Yeo further discloses the synopsis includes highlights of important events (col.3, line 27-col.4, line 4).

As to claim 53, Yeo further discloses the program is a sporting event (col.2, lines 8-26).

As to claim 54, Yeo further discloses further comprising selecting the highlights from a number of predefined highlights(col.2, lines 8-26 and col.3, line 27-col.4, line 4).

As to claim 55, Yeo further discloses comprising streaming the synopsis for playback from a remote site (col.3, line 27-col.4, line 4).

As to claim 56, Yeo further discloses downloading the synopsis for playback from customer premise equipment (CPE) (col.3, line 27-col.4, line 4).

As to claim 57, Yeo further discloses comprising streaming the synopsis over a VOD channel (col.3, lines 6-22).

As to claim 59, Yeo further discloses providing the synopsis from a web page stored on a remote server (col.3, line 59-col.4, line 4).

As to claim 60, Yeo further discloses maintaining the channel selection for a predefined period of time before providing the synopsis (col.3, lines 6-22)

As to claim 61, the claimed "An apparatus for providing a synopsis for a program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 49.

Claim 62 is met as previously discussed with respect to claim 50.

Claim 63 is met as previously discussed with respect to claim 51.

Claim 64 is met as previously discussed with respect to claim 60.

As to claim 65, the claimed "An apparatus for providing a synopsis for a program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 49.

As to claim 66, Yeo further discloses in figures 1-4, a system for broadcasting television programs, the system comprising:

A broadcasting element (Server 401/402) for broadcasting television programs over a number of channels;

A source (Server 401/402) for broadcasting synopses of the programs over a number of other channels (col.4, lines 28-44), where the source broadcasts the synopses on-demand when a channel having a synopsis is selected after transmission

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of the program has begun, the synopsis summarizing the program that was transmitted prior to selecting the channel (figs.1-4, col.1, line 47-col.2, line 27, col.3, line 23-col.4, line 4, line 28-col.5, line 5 and col.7, lines 19-43), note that upon selecting a channel a user is first presented with snap-shots or images (menu) of past or future content and upon request (interaction with the snap-shots) as short video clip or segment including accompanying audio of the past video program, that was transmitted within a predefined time period prior to selecting the program, is played and once the past video segment is viewed, the video program is rejoined in progress.

As to claim 67, Yeo further disclose where the source limits the synopsis to the portion of the program transmitted since a last time the channel was selected (col.1, line 47-col.2, line 27 and col.3, line 23-col.4, line 4).

As to claim 68, Yeo further discloses where the source generates the synopsis after the channel is selected (col 1, line 47-col.2, line 27 and col.3, line 23-col.4, line 4).

As to claim 69, Yeo further discloses where the source selects highlights included within the synopsis based on time-stamps associated with the highlights that correspond with time-stamps associated with portions of the program transmitted prior to selecting the channel.

Claims 70-71 are met as previously discussed with respect to claims 55 and 56.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Yeo et al (6,219,837)** as discussed above with respect to claim 49, and further in view of **Lawler et al (6,868,551)**.

As to claim 58 Yeo fails to explicitly teach where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller.

However, note the **Lawler** reference discloses an interactive program summary where the video content comprises text and the summary comprises text embedded in the program, the text to provided by the controller via the display only after receipt of the input signal by the controller (abstract, figures 1-5, col.2, line 17-col.3, line 14, col.5, line 61-col.6, line 39 and col.9, line 56-col.10, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Lawler into the system of Yeo to provide additional information relating to the video to aid the user to quickly understand the content of the video and furthermore to assist the hearing impair to understand the video content.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Megeid (6,636,271) discloses apparatus for playing back a recorded video signal in a time compressed manner.

Yeo (6,711,741) discloses random access video playback system on a network.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

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number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

**Annan Q. Shang**